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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,507

03/17/2004

Daan Veeningen

94.0075

3651

7590

03/03/2006

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EXAMINER

BATES, ZAKIYA W

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/802,507

Applicant(s)

VEENINGEN ET AL.

Examiner

Zakiya W. Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-51 is/are allowed.
- 6) ☒ Claim(s) 1, 19-21, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 2-18 and 22-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03172004</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 19-21, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/50735.

WO'735 discloses a method and apparatus that includes, with respect to claim 1, a method of generating and recording or displaying a sequence of drill bits, chosen from among a plurality of bit candidates to be used, for drilling an Earth formation in response to input data 105 representing Earth formation characteristics of the formation to be drilled, comprising the steps of: comparing said input data representing said characteristics of the formation to be drilled with a set of historical data including a plurality of sets of Earth formation characteristics and a corresponding plurality of sequences of drill bits to be used in connection with said sets of Earth formation characteristics, and locating a substantial match between said characteristics of the formation to be drilled associated with said input data and at least one of said plurality of sets of Earth formation characteristics associated with said set of historical data; when said substantial match is found, generating one of said plurality of sequences of drill bits in response thereto; and recording or displaying said one of said plurality of sequences of drill bits on a recorder or display device. With respect to claim 21, the reference

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discloses a program storage device 101 readable by a machine tangibly embodying a program of instructions executable by the machine to perform method steps for generating and recording or displaying a sequence of drill bits, chosen from among a plurality of bit candidates, for drilling an Earth formation in response to input data 105 representing Earth formation characteristics of the formation to be drilled, said method steps comprising: comparing said input data representing said characteristics of the formation to be drilled with a set of historical data including a plurality of sets of Earth formation characteristics and a corresponding plurality of sequences of drill bits to be used in connection with said sets of Earth formation characteristics, and locating a substantial match between said characteristics of the formation to be drilled associated with said input data and at least one of said plurality of sets of Earth formation characteristics associated with said set of historical data; when said substantial match is found, generating one of said plurality of sequences of drill bits in response thereto; and recording or displaying said one of said plurality of sequences of drill bits on a recorder or display device. With respect to the depending claims, the reference teaches the limitations as claimed. See the entire document, especially page 1, line 13- page 6, line 12, and figure 2.

***Allowable Subject Matter***

3. Claims 2-18 and 22-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

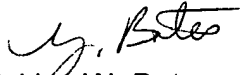
4. Claims 41-51 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Zakiya W. Bates  
Primary Examiner  
Art Unit 3676

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February 28, 2006